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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David J. Kinsella, et al.

Art Unit: 2137

Serial No.: 09/982,114

Examiner: Michael J. Pyzocha

Filed: 10/17/2001

Title: Methods and Apparatus for Performing Secure Transactions Without
Transmitting Biometric Information

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Box AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP NUMBER 2137**RESPONSE TO FINAL OFFICE ACTION OF AUGUST 23, 2006****AMENDMENT UNDER 37 C.F.R. 1.116**

Dear Sir:

In response to the Final Office Action dated August 23, 2006, applicants request that the following amendments to the claims be entered and the remarks considered by the Examiner. The applicants understand that entry of the proposed amendments to the claims is at the discretion of the Examiner. It is believed that the proposed amendments to the two claims remaining in this application present allowable subject matter that will not require further search by the Examiner.

The amendments to the two claims herein were not earlier presented as the immediately prior claims in this application were believed by the applicants to not be anticipated by the patent of Scott, et al discussed below. In the Final Office Action a

new ground of rejection was raised and thus the claims in the application are amended to be not obvious in light of the newly presented art and the 35 U.S.C. 103(a) obviousness rejection presented in the Final Office Action.

In the event that the Examiner does not allow this application after the requested entry of the amended claims, the applicants believe the entry of these claims will put this application in better form for appeal and request that the amended claims be entered at least for that purpose.